

REMARKSI. Status of the Claims

Applicants cancel pending claims 1-7 and 9-16 in favor of new claims 17-22, which better define the invention and are fully supported by the original disclosure (see pp. 10-11). Upon entry of the amendment, claims 17-22 will remain for consideration.

II. Response to the Section 103 Rejection based on Schulte

The rejection of claims 5, 6, 11, and 12 under 35 U.S.C. § 103(a) as unpatentable over Schulte (WO 03/106470 and its family, including U.S. Publ. 2005/0182266) is rendered moot by cancellation of these claims. However, because the Examiner may consider Schulte to have similar applicability to new claims 17-22, they respectfully ask her to consider the following remarks.

At the time Applicants made their invention, Schulte and the instant invention were commonly owned; both are currently assigned to Basell Polyolefine GmbH (see attached Assignment Details from the USPTO website).

Additionally, Schulte qualifies as prior art only under Section 102(e) because: (a) Schulte's earliest publication date is after Applicants' presumptive invention date (i.e., the provisional filing date); and (b) Schulte's applications had not been published for more than one year before Applicants filed a patent application.

In particular, Schulte's earliest documents, DE 10226182 and corresponding PCT Int. Publ. WO 2003/106470, published on December 24, 2003 (see attached MicroPatent® Family Lookup summary).

The present application entered the U.S. national phase on June 7, 2006 but is based on PCT Appl. No. PCT/EP2004/12358, filed on November 2, 2004. Moreover, the PCT application claims 35 USC § 119(e) priority from provisional U.S. Appl. No. 60/528591, filed December 11, 2003.

Thus, Section 103(c) applies to disqualify Schulte as prior art, and the Examiner should therefore reconsider and withdraw the Section 103(a) rejection.

III. Conclusion

In view of the remarks above, Applicants respectfully ask the Examiner to reconsider and withdraw the rejection and pass the case to issue. Applicants invite the Examiner to telephone their attorney at (610) 359-2276 if she believes that a discussion of the application might be helpful.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box. 1450, Alexandria, VA 22313-1450 on June 13, 2008.

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Name of person signing

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Signature

Respectfully submitted,

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Schulte et al.

MicroPatent® Family Lookup

Stage 1 Patent Family - "Complex"				Priorities and Applications			
CC	Document Number	KD	Publication Date	CC	Application or Priority Number	KD	Application or Priority Date
┐	AT 319726	T	20060315	DE	10226182	A	20020612
				US	2002399762	P	20020731
				AT	2003730133	T	20030528
┐	AU 2003240728	A1	20031231	DE	10226182	A	20020612
				US	2002399762	P	20020731
				EP	WO2003EP5592	A	20030528
				AU	2003240728	A	20030528
┐	DE 10226182	A1	20031224	DE	10226182	A	20020612
┐	DE 60303928	D1	20060504	DE	10226182	A	20020612
				US	2002399762	P	20020731
				DE	60303928	A	20030528
				EP	WO2003EP5592	A	20030528
┐	DE 60303928	T2	20061102	DE	10226182	A	20020612
				US	2002399762	P	20020731
				EP	WO2003EP5592	A	20030528
				DE	60303928	A	20030528
				DE	60303928	T	20030528
┐	EP 1511755	A1	20050309	DE	10226182	A	20020612
				US	2002399762	P	20020731
				EP	2003730133	A	20030528
				EP	WO2003EP5592	A	20030528
┐	EP 1511755	B1	20060308	DE	10226182	A	20020612
				US	2002399762	P	20020731
				EP	2003730133	A	20030528
				EP	WO2003EP5592	A	20030528
┐	JP 2005529185	T	20050929	DE	10226182	A	20020612
				US	2002399762	P	20020731
				JP	2004513301	T	20030528
				EP	WO2003EP5592	A	20030528
┐	US 20050182266	A1	20050818	DE	10226182	A	20020612
				US	2002399762	P	20020731
				EP	WO2003EP5592	A	20030528

	US	2003516919	A	20030528
	US	2004516919	A	20041207
<input type="checkbox"/> WO 2003106470 A1 <u>20031224</u>	DE	10226182	A	20020612
	US	2002399762	P	20020731
	EP	WO2003EP5592	A	20030528

10 Publications found.

Information on the left side of the table relates to publication number, kind, and date; information on the right

covers the corresponding application and priority data for each publication.

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Patent Assignment Abstract of Title

***NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.***

Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 10516919

Filing Dt: 12/07/2004

Publication #: 20050182266

Pub Dt: 08/18/2005

Inventors: Jorg L Schulte, Carsten Bingel, Jorg Schottek, Markus Oberhoff

Title: Transition metal compounds their preparation and their use in catalyst systems for the polymerization and copolymerization of olefins

Assignment: 1

Reel/Frame: 016484/0898

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Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 09/11/2004

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